

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN C. STUBBS,

Plaintiff(s),

08cv1567

ELECTRONICALLY FILED

v.

TERRY COLLINS, *Director, DRC,*

Defendant(s).

ORDER OF COURT

On March 3, 2009, this Court granted plaintiff's motion to proceed in forma pauperis. Plaintiff Charles Stubbs' civil rights complaint (doc. no. 1) asserts that Terry Collins, the "Chief Executive Officer" and Director of the Ohio Department of Rehabilitation and Correction ("DRC") and (named in the body of the Complaint but not its caption) Cynthia Mausser, the "Chief Executive Officer" and Director of the Ohio DRC's Adult Parole Authority, have erroneously, improperly and intentionally listed him as a two time Sexual Offender on its website, instead of his one such offense which, he claims, is too old to have been listed, and that the erroneous listing slanders and defames him and has followed him to Pennsylvania where he now resides.

Petitioner claims that he attempted to correct the allegedly erroneous listing through the Ohio DRC to no avail, and that the 2008 Ohio DRC website continues to list the allegedly erroneous information, burdening him with "undue discrimination in getting housing, decent job, attending colleges, personal business creation . . . emotional stress, headaches, humiliations, and anger as result of the false records on his person posted on the world-wide web by the DRC . . . and mirrored by the PA website." Complaint, ¶¶ 14-15. The Complaint seeks monetary

damages¹ in excess of 10 million dollars, in addition to injunctive and other equitable relief, and also requests this Court to grant “political asylum” against any potential extradition requests by the Ohio DRC.

Plaintiff also filed a Motion for Temporary Restraining Order and/or Injunction Pursuant to FRCP 65 (doc. no. 6), based on the same averments. This Court has considered and will deny this motion at this point. The Court finds that it cannot grant the requested relief without input from the defendants following service of the Complaint and the Motion for Temporary Restraining Order and/or Injunction Pursuant to FRCP 65. The Court has reservations about its jurisdiction over defendants and will need to consider their responses before proceeding any further.

Accordingly, plaintiff’s motion will be denied without prejudice to seek similar relief after proof has been filed that defendants have been properly served and they have had an opportunity to respond to the Complaint and any motions for equitable relief.

IT IS SO ORDERED.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

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¹ Any claims for monetary damages would appear to face the hurdle of immunity under the 11th Amendment to the Constitution of the United States.